

SENATE SUBSTITUTE
FOR
SENATE COMMITTEE SUBSTITUTE
FOR
HOUSE COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NOS. 470 & 429

AN ACT

To repeal section 143.183, RSMo, and to enact in lieu thereof one new section relating to the nonresident entertainers tax.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI,
AS FOLLOWS:

1 Section A. Section 143.183, RSMo, is repealed and one new
2 section enacted in lieu thereof, to be known as section 143.183,
3 to read as follows:

4 143.183. 1. As used in this section, the following terms
5 mean:

6 (1) "Nonresident entertainer", a person residing or
7 registered as a corporation outside this state who, for
8 compensation, performs any vocal, instrumental, musical, comedy,
9 dramatic, dance or other performance in this state before a live
10 audience and any other person traveling with and performing
11 services on behalf of a nonresident entertainer, including a
12 nonresident entertainer who is paid compensation for providing
13 entertainment as an independent contractor, a partnership that is
14 paid compensation for entertainment provided by nonresident

1 entertainers, a corporation that is paid compensation for
2 entertainment provided by nonresident entertainers, or any other
3 entity that is paid compensation for entertainment provided by
4 nonresident entertainers;

5 (2) "Nonresident member of a professional athletic team", a
6 professional athletic team member who resides outside this state,
7 including any active player, any player on the disabled list if
8 such player is in uniform on the day of the game at the site of
9 the game, and any other person traveling with and performing
10 services on behalf of a professional athletic team;

11 (3) "Personal service income" includes exhibition and
12 regular season salaries and wages, guaranteed payments, strike
13 benefits, deferred payments, severance pay, bonuses, and any
14 other type of compensation paid to the nonresident entertainer or
15 nonresident member of a professional athletic team, but does not
16 include prizes, bonuses or incentive money received from
17 competition in a livestock, equine or rodeo performance,
18 exhibition or show;

19 (4) "Professional athletic team" includes, but is not
20 limited to, any professional baseball, basketball, football,
21 soccer and hockey team.

22 2. Any person, venue, or entity who pays compensation to a
23 nonresident entertainer shall deduct and withhold from such
24 compensation as a prepayment of tax an amount equal to two
25 percent of the total compensation if the amount of compensation
26 is in excess of three hundred dollars paid to the nonresident
27 entertainer. For purposes of this section, the term "person,
28 venue, or entity who pays compensation" shall not be construed to

1 include any person, venue, or entity that is exempt from taxation
2 under 26 U.S.C. Section 501(c)(3), as amended, and that pays an
3 amount to the nonresident entertainer for the entertainer's
4 appearance but receives no benefit from the entertainer's
5 appearance other than the entertainer's performance.

6 3. Any person, venue, or entity required to deduct and
7 withhold tax pursuant to subsection 2 of this section shall, for
8 each calendar quarter, on or before the last day of the month
9 following the close of such calendar quarter, remit the taxes
10 withheld in such form or return as prescribed by the director of
11 revenue and pay over to the director of revenue or to a
12 depository designated by the director of revenue the taxes so
13 required to be deducted and withheld.

14 4. Any person, venue, or entity subject to this section
15 shall be considered an employer for purposes of section 143.191,
16 and shall be subject to all penalties, interest, and additions to
17 tax provided in this chapter for failure to comply with this
18 section.

19 5. Notwithstanding other provisions of this chapter to the
20 contrary, the commissioner of administration[, for all taxable
21 years beginning on or after January 1, 1999, but none after
22 December 31, 2015,] shall annually estimate the amount of state
23 income tax revenues collected pursuant to this chapter which are
24 received from nonresident members of professional athletic teams
25 and nonresident entertainers. For fiscal year 2000, and for each
26 subsequent fiscal year [for a period of sixteen years], sixty
27 percent of the annual estimate of taxes generated from the
28 nonresident entertainer and professional athletic team income tax

1 shall be allocated annually to the Missouri arts council trust
2 fund, and shall be transferred from the general revenue fund to
3 the Missouri arts council trust fund established in section
4 185.100 and any amount transferred shall be in addition to such
5 agency's budget base for each fiscal year. The director shall by
6 rule establish the method of determining the portion of personal
7 service income of such persons that is allocable to Missouri.

8 6. Notwithstanding the provisions of sections 186.050 to
9 186.067 to the contrary, the commissioner of administration[, for
10 all taxable years beginning on or after January 1, 1999, but for
11 none after December 31, 2015,] shall estimate annually the amount
12 of state income tax revenues collected pursuant to this chapter
13 which are received from nonresident members of professional
14 athletic teams and nonresident entertainers. For fiscal year
15 2000, and for each subsequent fiscal year [for a period of
16 sixteen years], ten percent of the annual estimate of taxes
17 generated from the nonresident entertainer and professional
18 athletic team income tax shall be allocated annually to the
19 Missouri humanities council trust fund, and shall be transferred
20 from the general revenue fund to the Missouri humanities council
21 trust fund established in section 186.055 and any amount
22 transferred shall be in addition to such agency's budget base for
23 each fiscal year.

24 7. Notwithstanding other provisions of section 182.812 to
25 the contrary, the commissioner of administration[, for all
26 taxable years beginning on or after January 1, 1999, but for none
27 after December 31, 2015,] shall estimate annually the amount of
28 state income tax revenues collected pursuant to this chapter

1 which are received from nonresident members of professional
2 athletic teams and nonresident entertainers. For fiscal year
3 2000, and for each subsequent fiscal year [for a period of
4 sixteen years], ten percent of the annual estimate of taxes
5 generated from the nonresident entertainer and professional
6 athletic team income tax shall be allocated annually to the
7 Missouri state library networking fund, and shall be transferred
8 from the general revenue fund to the secretary of state for
9 distribution to public libraries for acquisition of library
10 materials as established in section 182.812 and any amount
11 transferred shall be in addition to such agency's budget base for
12 each fiscal year.

13 8. Notwithstanding other provisions of section 185.200 to
14 the contrary, the commissioner of administration[, for all
15 taxable years beginning on or after January 1, 1999, but for none
16 after December 31, 2015,] shall estimate annually the amount of
17 state income tax revenues collected pursuant to this chapter
18 which are received from nonresident members of professional
19 athletic teams and nonresident entertainers. For fiscal year
20 2000, and for each subsequent fiscal year [for a period of
21 sixteen years], ten percent of the annual estimate of taxes
22 generated from the nonresident entertainer and professional
23 athletic team income tax shall be allocated annually to the
24 Missouri public television broadcasting corporation special fund,
25 and shall be transferred from the general revenue fund to the
26 Missouri public television broadcasting corporation special fund,
27 and any amount transferred shall be in addition to such agency's
28 budget base for each fiscal year; provided, however, that

1 twenty-five percent of such allocation shall be used for grants
2 to public radio stations which were qualified by the corporation
3 for public broadcasting as of November 1, 1996. Such grants
4 shall be distributed to each of such public radio stations in
5 this state after receipt of the station's certification of
6 operating and programming expenses for the prior fiscal year.
7 Certification shall consist of the most recent fiscal year
8 financial statement submitted by a station to the corporation for
9 public broadcasting. The grants shall be divided into two
10 categories, an annual basic service grant and an operating grant.
11 The basic service grant shall be equal to thirty-five percent of
12 the total amount and shall be divided equally among the public
13 radio stations receiving grants. The remaining amount shall be
14 distributed as an operating grant to the stations on the basis of
15 the proportion that the total operating expenses of the
16 individual station in the prior fiscal year bears to the
17 aggregate total of operating expenses for the same fiscal year
18 for all Missouri public radio stations which are receiving
19 grants.

20 9. Notwithstanding other provisions of section 253.402 to
21 the contrary, the commissioner of administration[, for all
22 taxable years beginning on or after January 1, 1999, but for none
23 after December 31, 2015,] shall estimate annually the amount of
24 state income tax revenues collected pursuant to this chapter
25 which are received from nonresident members of professional
26 athletic teams and nonresident entertainers. For fiscal year
27 2000, and for each subsequent fiscal year [for a period of
28 sixteen years], ten percent of the annual estimate of taxes

1 generated from the nonresident entertainer and professional
2 athletic team income tax shall be allocated annually to the
3 Missouri department of natural resources Missouri historic
4 preservation revolving fund, and shall be transferred from the
5 general revenue fund to the Missouri department of natural
6 resources Missouri historic preservation revolving fund
7 established in section 253.402 and any amount transferred shall
8 be in addition to such agency's budget base for each fiscal year.
9 [As authorized pursuant to subsection 2 of section 30.953, it is
10 the intention and desire of the general assembly that the state
11 treasurer convey, to the Missouri investment trust on January 1,
12 1999, up to one hundred percent of the balances of the Missouri
13 arts council trust fund established pursuant to section 185.100
14 and the Missouri humanities council trust fund established
15 pursuant to section 186.055. The funds shall be reconveyed to
16 the state treasurer by the investment trust as follows: the
17 Missouri arts council trust fund, no earlier than January 2,
18 2009; and the Missouri humanities council trust fund, no earlier
19 than January 2, 2009.]